

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:23-CV-00801-KDB**

**ROBERT JOHN SWIERSKI,**

**Appellant/Debtor,**

**v.**

**JENNY P. HOLMAN,**

**Appellee/Trustee.**

**ORDER**

This appeal from the Bankruptcy Court (Case # 23-30425) is before the Court on Appellant Debtor Robert John Swierski's Emergency Motion to Stay Sale Pending Appeal. (Doc. No. 5). In this motion, he asks the Court to stay an auction sale of his real property located at 2225 Greenbrook Parkway, Matthews, North Carolina – currently scheduled for February 29, 2024 – until this Court resolves his appeal. Mr. Swierski has not yet properly put this matter before this Court by satisfying Fed. R. Bankr. P. 8009(a) (i.e. filing the appropriate designations); however, on February 1, 2024, the Court extended his time for doing so effectively until March 4, 2024 (the extension of time granted him 30 days past February 1, but March 2, 2024 lands on a weekend).

To give Mr. Swierski an opportunity to timely file his appeal prior to the sale of his real estate, the Court will, exercising its equitable power, **GRANT** the motion and stay the sale for 14 days, without prejudice to the Trustee's opportunity to earlier move the Court to remove the stay for good cause shown. Further, if Plaintiff timely satisfies Fed. R. Bankr. P. 8009(a) then he may renew his motion seeking a stay, which will automatically extend the stay until the motion is responded to and/or resolved by the Court. If Plaintiff fails to timely make the required filings, the Clerk is directed to dismiss this action without further proceedings.

**NOW THEREFORE IT IS ORDERED THAT:**

1. Appellant/Debtor's Emergency Motion to Stay Sale Pending Appeal (Doc. No. 5) is **GRANTED** for a period of 14 days, without prejudice to the Trustee's opportunity to earlier move the Court to remove the stay for good cause shown;
2. If Plaintiff timely satisfies Fed. R. Bankr. P. 8009(a) then he may renew his motion seeking a stay, which will automatically extend the stay until the motion is responded to and/or resolved by the Court;
3. The auction sale of the real property located at 2225 Greenbrook Parkway, Matthews, North Carolina, currently scheduled for February 29, 2024, is hereby **STAYED** and shall not be held while the stay entered above is in effect; and
4. If Plaintiff fails to timely make the required filings then the Clerk is directed to dismiss this appeal without further proceedings.

**SO ORDERED ADJUDGED AND DECREED.**

Signed: February 26, 2024

  
Kenneth D. Bell  
United States District Judge